

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 173

# SENATE BILL 1158

AN ACT

AMENDING SECTIONS 13-3821 AND 13-3825, ARIZONA REVISED STATUTES; AMENDING LAWS 1999, CHAPTER 262, SECTION 2; RELATING TO REGISTRATION OF SEX OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3821, Arizona Revised Statutes, is amended to read:

13-3821. Persons required to register; procedure; identification card

A. A person who has been convicted of a violation or attempted violation of any of the following offenses or who has been convicted of an offense committed in another jurisdiction which if committed in this state would be a violation or attempted violation of any of the following offenses or an offense that was in effect before September 1, 1978 AND that, if committed on or after September 1, 1978, has the same elements of an offense listed in this section shall, within ten days after the conviction or within ten days after entering and remaining in any county of this state, register with the sheriff of that county:

1. Unlawful imprisonment pursuant to section 13-1303 if the victim is under eighteen years of age and the unlawful imprisonment was not committed by the child's parent.

2. Kidnapping pursuant to section 13-1304 if the victim is under eighteen years of age and the kidnapping was not committed by the child's parent.

3. Sexual abuse pursuant to section 13-1404 if the victim is under eighteen years of age.

4. Sexual conduct with a minor pursuant to section 13-1405.

5. Sexual assault pursuant to section 13-1406.

6. Sexual assault of a spouse pursuant to section 13-1406.01.

7. Molestation of a child pursuant to section 13-1410.

8. Continuous sexual abuse of a child pursuant to section 13-1417.

9. Taking a child for the purpose of prostitution pursuant to section 13-3206.

10. Child prostitution pursuant to section 13-3212.

11. Commercial sexual exploitation of a minor pursuant to section 13-3552.

12. Sexual exploitation of a minor pursuant to section 13-3553.

13. Luring a minor for sexual exploitation pursuant to section 13-3554.

14. A second or subsequent violation of indecent exposure to a person under the age of fifteen years pursuant to section 13-1402, subsection B.

15. A second or subsequent violation of public sexual indecency to a minor under the age of fifteen years pursuant to section 13-1403, subsection B.

16. A third or subsequent violation of indecent exposure pursuant to section 13-1402.

17. A third or subsequent violation of public sexual indecency pursuant to section 13-1403.

18. A violation of section 13-3822 or 13-3824.

1       B. Before the person is released from confinement the state department  
2 of corrections in conjunction with the department of public safety and each  
3 county sheriff may complete the registration of any person who was convicted  
4 of a violation of any offense listed under subsection A of this  
5 section. Within three days after the person's release from confinement, the  
6 state department of corrections shall forward the registered person's records  
7 to the department of public safety and to the sheriff of the county in which  
8 the registered person intends to reside. Registration pursuant to this  
9 subsection shall be consistent with subsection E of this section.

10       C. Notwithstanding subsection A of this section, the judge who  
11 sentences a defendant for any violation of chapter 14 or 35.1 of this title  
12 or for an offense for which there was a finding of sexual motivation pursuant  
13 to section 13-118 may require the person who committed the offense to  
14 register pursuant to this section.

15       D. The court may require a person who has been adjudicated delinquent  
16 for an act that would constitute an offense specified in subsection A or C  
17 of this section to register pursuant to this section. Any duty to register  
18 under this subsection shall terminate when the person reaches the age of  
19 twenty-five.

20       E. A person who has been convicted of or adjudicated delinquent and  
21 who is required to register in the convicting state for an act that would  
22 constitute an offense specified in subsection A or C of this section and who  
23 is not a resident of this state shall be required to register pursuant to  
24 this section if the person is either:

25       1. Employed full time or part time in this state, with or without  
26 compensation, for more than fourteen consecutive days or for an aggregate  
27 period of more than thirty days in a calendar year.

28       2. Enrolled as a full-time or part-time student in any school in this  
29 state for more than fourteen consecutive days or for an aggregate period of  
30 more than thirty days in a calendar year. For the purposes of this  
31 paragraph, "school" means an educational institution of any description,  
32 public or private, wherever located in this state.

33       F. Any duty to register under subsection D or E of this section for  
34 a juvenile adjudication terminates when the person reaches the age of  
35 twenty-five.

36       G. The court may order the termination of any duty to register under  
37 this section upon successful completion of probation if the person was under  
38 eighteen years of age when the offense for which the person was convicted of  
39 was committed.

40       H. At the time of registering, the person shall sign a statement in  
41 writing giving such information as required by the director of the department  
42 of public safety, including all names by which the person is known. The  
43 sheriff shall fingerprint and photograph the person and within three days  
44 thereafter shall send copies of the statement, fingerprints and photographs

1 to the criminal identification section within the department of public safety  
2 and the chief of police, if any, of the place where the person resides.

3 I. Upon the person's initial registration and every year after the  
4 person's initial registration, the person shall obtain a nonoperating  
5 identification license or a driver license from the motor vehicle division  
6 in the department of transportation. Notwithstanding sections 28-3165 and  
7 28-3171, the license shall be valid for one year from the date of issuance,  
8 and the person shall submit to the department of transportation proof of the  
9 person's address. The motor vehicle division shall make a copy of the  
10 photograph available to the criminal identification section of the department  
11 of public safety or to any law enforcement agency.

12 J. Except as provided in subsection E or K of this section, the clerk  
13 of the superior court in the county in which a person has been convicted of  
14 a violation of any offense listed under subsection A of this section or has  
15 been ordered to register pursuant to subsection C or D of this section shall  
16 notify the sheriff in that county of the conviction within ten days after  
17 entry of the judgment.

18 K. Within ten days after entry of judgment, a court not of record  
19 shall notify the arresting law enforcement agency of an offender's conviction  
20 of a violation of section 13-1402. Within ten days after receiving this  
21 information, the law enforcement agency shall determine if the offender is  
22 required to register pursuant to this section. If the law enforcement agency  
23 determines that the offender is required to register, the law enforcement  
24 agency shall provide the information required by section 13-3825 to the  
25 department of public safety and shall make community notification as required  
26 by law.

27 L. A person who is required to register pursuant to this section  
28 because of a conviction for the unlawful imprisonment of a minor or the  
29 kidnapping of a minor is required to register, absent additional or  
30 subsequent convictions, for a period of ten years from the date that the  
31 person is released from prison, jail, probation, community supervision or  
32 parole and the person has fulfilled all restitution obligations.  
33 Notwithstanding this subsection, a person who has a prior conviction for an  
34 offense for which registration is required pursuant to this section is  
35 required to register for life.

36 M. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION AND  
37 WHO IS A STUDENT AT A PUBLIC OR PRIVATE INSTITUTION OF POSTSECONDARY  
38 EDUCATION OR WHO IS EMPLOYED, WITH OR WITHOUT COMPENSATION, AT A PUBLIC OR  
39 PRIVATE INSTITUTION OF POSTSECONDARY EDUCATION OR WHO CARRIES ON A VOCATION  
40 AT A PUBLIC OR PRIVATE INSTITUTION OF POSTSECONDARY EDUCATION SHALL NOTIFY  
41 THE COUNTY SHERIFF HAVING JURISDICTION OF THE INSTITUTION OF POSTSECONDARY  
42 EDUCATION. THE PERSON REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL  
43 ALSO NOTIFY THE SHERIFF OF EACH CHANGE IN ENROLLMENT OR EMPLOYMENT STATUS AT  
44 THE INSTITUTION.

1       Sec. 2. Section 13-3825, Arizona Revised Statutes, is amended to read:  
2       13-3825. Community notification

3       A. Within seventy-two hours after a person who was convicted is  
4 released from confinement or who was accepted under the interstate compact  
5 for the supervision of parolees and probationers and has arrived in this  
6 state, the agency that had custody or responsibility for supervision of the  
7 person who was convicted of committing an offense for which the person was  
8 required or ordered by the court to register pursuant to section 13-3821 or  
9 that has accepted supervision under the interstate compact for the  
10 supervision of parolees and probationers shall provide all of the following  
11 information to the department of public safety by entering all of the  
12 following information into the sex offender profile and notification data  
13 base:

- 14       1. The offender's identifying information.
- 15       2. A risk assessment of the offender.
- 16       3. The offender's date of release from confinement or, if the offender  
17 is sentenced to probation without jail time, the date the sentence is  
18 imposed.

19       B. Following the tenth day after the person is released from  
20 confinement or, if the offender is sentenced to probation without jail time,  
21 the date the sentence is imposed, the department of public safety shall  
22 cross-reference the information the department receives pursuant to  
23 subsection A of this section with the sex offender registry to determine if  
24 the person is registered as required or ordered by the court pursuant to  
25 section 13-3821. If the person is not registered, the department of public  
26 safety shall notify the county attorney in the county in which the person was  
27 convicted or the interstate compact administrator for this state. If the  
28 person is registered, the department of public safety shall forward the  
29 information the department received pursuant to subsection A of this section  
30 to the sheriff in the county where the person is registered.

31       C. After receiving the information pursuant to subsection B of this  
32 section, the sheriff shall forward the information to the chief law  
33 enforcement officer of the community in which the person resides. After  
34 reviewing the information received and any other information available to the  
35 local law enforcement agency, the local law enforcement agency shall  
36 categorize each offender and place each offender into a notification level.  
37 Within forty-five days, the local law enforcement agency shall notify the  
38 community of the offender's presence in the community pursuant to the  
39 guidelines established by the community notification guidelines committee.  
40 If the community does not have a chief law enforcement officer, the sheriff  
41 shall perform the duties of the local law enforcement agency.

42       D. If a person who has been convicted of an offense in another state  
43 registers pursuant to section 13-3821, subsection A, the sheriff in the  
44 county in which the person registers shall forward the information to the  
45 chief law enforcement officer of the community in which the person resides.

1 The chief law enforcement officer shall contact the state in which the person  
2 was convicted and shall obtain information regarding the person. After  
3 reviewing the information received and any other information available, the  
4 local law enforcement agency shall complete the risk assessment, shall  
5 categorize the person, shall place the person into a notification level and  
6 shall enter the information into the computer system. If the law enforcement  
7 agency is unable to obtain sufficient information to complete the sex  
8 offender community notification risk assessment, the agency shall categorize  
9 the offender as a level two offender. Within forty-five days, the local law  
10 enforcement agency shall notify the community of the person's presence in the  
11 community pursuant to the guidelines established by the community  
12 notification guidelines committee. If the community does not have a chief  
13 law enforcement officer, the sheriff shall perform the duties of the local  
14 law enforcement agency.

15 E. On receiving notice pursuant to section 13-3822 that a person who  
16 is required to register has moved from the person's address, the chief law  
17 enforcement officer of the community to which the person has relocated may  
18 notify that community of the person's relocation to the community, pursuant  
19 to subsection C of this section. If the community does not have a local law  
20 enforcement agency, the sheriff of the county to which the person has  
21 relocated shall notify the community of the person's relocation.

22 F. In cooperation with the county probation department or the state  
23 department of corrections, a law enforcement agency may delegate all or part  
24 of the notification process for offenders on community supervision to the  
25 county probation department or to the state department of corrections, as  
26 appropriate.

27 G. INFORMATION CONCERNING A PERSON WHO IS REQUIRED TO REGISTER  
28 PURSUANT TO SECTION 13-3821 AND WHO IS SUBJECT TO THE PROVISIONS OF COMMUNITY  
29 NOTIFICATION AND WHO IS A STUDENT AT A PUBLIC OR PRIVATE INSTITUTION OF  
30 POSTSECONDARY EDUCATION OR WHO IS EMPLOYED OR CARRIES ON A VOCATION, WITH OR  
31 WITHOUT COMPENSATION, AT A PUBLIC OR PRIVATE INSTITUTION OF POSTSECONDARY  
32 EDUCATION SHALL BE PROMPTLY MADE AVAILABLE BY THE COUNTY SHERIFF TO THE LAW  
33 ENFORCEMENT AGENCY HAVING JURISDICTION FOR PERFORMING COMMUNITY NOTIFICATION  
34 PURSUANT TO SECTION 13-3826. THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE  
35 INSTITUTION'S ADMINISTRATION AND SHALL COMPLETE APPROPRIATE CAMPUS  
36 NOTIFICATION PURSUANT TO SECTION 13-3826.

37 ~~G.~~ H. This section does not prohibit law enforcement officers from  
38 giving a community notice of any circumstances or persons that pose a danger  
39 to the community under circumstances that are not provided for under this  
40 section.

41 ~~H.~~ I. This section does not apply to persons subject to the  
42 registration requirements in section 13-3821 as a result of offenses  
43 adjudicated by a juvenile court unless ordered by the court.

1       Sec. 3. Laws 1999, chapter 262, section 2 is amended to read:

2       Sec. 2. Delayed repeal

3       A. Section 8-810, Arizona Revised Statutes, relating to the protective  
4 services caseload standards advisory committee, is repealed from and after  
5 December 31, 1999.

6       ~~B. Section 13-3826, Arizona Revised Statutes, relating to the~~  
7 ~~community notification guidelines committee, is repealed from and after~~  
8 ~~December 31, 2003.~~

APPROVED BY THE GOVERNOR MAY 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.

Passed the House March 31, 20 03

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake  
Speaker of the House  
Cheryl Laube  
Asst. Chief Clerk of the House

Passed the Senate February 19, 20 03

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Klu Bennett  
President of the Senate  
\_\_\_\_\_  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1158

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State



SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 1, 2003

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Klu Blumelt  
President of the Senate  
Chaimin Ballington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 3:09 o'clock P M.

Sandra Chamber  
Secretary to the Governor

Approved this 7 day of

May, 2003,

at 10<sup>30</sup> o'clock A M.

Jt. Nylt  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003,

at 4:09 o'clock P M.

Janice L. Brewer  
Secretary of State

S.B. 1158